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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,702	06/24/2003	Roland Hahn	028811-21	7556

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EXAMINER

ZIRKER, DANIEL R

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,702

Applicant(s)

HAHN, ROLAND

Examiner

Daniel Zirker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005 and 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The Examiner makes the observation that because there are still so many remaining pending flaws in this application (which are believed sufficient to reject claims 1-26 and also object to the specification), many of which overlap with one another, he has decided to treat the amended sections of the specification and the claims in the great majority of instances in the order in which the flaws have been presented in applicant's Response in the hope of most accurately identifying these flaws in the application and of indicating how best to overcome them. As such it should be noted that the great majority of the following observations can substantially be classified as either 35 USC 112, 1<sup>st</sup> and/or 2<sup>nd</sup> paragraph rejections except where stated otherwise. Initially it is noted that in Paragraph [0030] of the specification, line 2, change "has" to – is- to properly state this important relationship, and in Paragraph [0036], line 4 the first "22" should be either –20- or a new number, as 22 represents the protective film. The newly presented term "intermediate adhesion" layer 32 which has been substituted for "adhesive" layer 32 in multiple places in the specification might desirably be formally defined since it appears that intermediate is believed to signify its location in the article, not the strength of the "adhesion", i.e. adhesive. Additionally the Examiner further notes that the Abstract still describes this element 32 as an adhesive layer. It is also very noteworthy (and improper) that the only description of the primer composition in the specification (which can be one of the "intermediate adhesion" layers according to the specification) is given by the trademark only identified composition "material G718 from

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Wacker Chemie" in Paragraph [0038] and as such clearly needs to be identified by suitable generic terminology. The Examiner also again makes the point that the disclosure in Paragraph [0037] defining the "intermediate adhesion" layer 32 as any one of five elements, i.e. "a primer, an enamel, an adhesive, a film, a cloth strip" clearly appears to improperly characterize as elements having adhesive or adhesion properties certain elements which clearly are not adhesive in nature or, alternatively, involve elements of which applicant has the burden of proving that the element(s) has adhesive properties, which to date he has not met. Also, in a related issue the phrase (amended earlier in the prosecution), "laminated cloth strip" is still believed to very possibly be new matter, as its express or inherent support is not readily apparent to the Examiner. Additionally, in his remarks applicant argues that there was a translation error with respect to the adhesive layer 32 being properly characterized as an "adhesion" layer. While it is far from clear to the Examiner just what this alleged distinction between these two terms is supposed to involve it appears that since the alleged error involves what clearly seems to be a major point of novelty of the application it accordingly may be necessary for applicant to provide a suitable affidavit confirming this point and further clarifying this issue.

With respect to the claims it initially appears that the newly used term, "intermediate layer" in place of "adhesive layer" in all of the independent claims is clearly vague and indefinite in defining the newly presented "intermediate adhesion layer", as well as being in excess of applicant's disclosure, and it may also constitute new matter, as it has no express support in the specification and no inherent support is

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believed to have been pointed out. In claims 1 and 12, last two lines of each the phrase "has been bonded" fails to properly set forth the coating relationship which exists between the adhesive surface and what should be the "intermediate adhesion layer", the latter element which clearly appears in the claims to be improperly characterized as the "intermediate layer". In claim 12, line 6 it appears that "the first adhesive surface" is bonded to itself, i.e. the "sealing element" rather than the "sealing body". In claim 17, line 2 change "a" to --the-- and in claims 19 and 20 "connecting" is seen to be vague and indefinite in describing the chemical relationship which exists, instead of a mechanical relationship. Finally, there may be other flaws in the specification which the Examiner has overlooked and applicant is encouraged to carefully review the specification and claims in an effort to correct such flaws.

3. Claims 1-26 are again not rejected on the basis of adverse prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 – 272 – 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker  
Primary Examiner  
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A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive style with a large, stylized 'D' and 'Z'.